



The following constitutes
the order of the court. Signed May 24, 2013

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
WILLIAM EDGAR DAVIS,

Case No. 10-74245 MEH
Chapter 7

Debtor/

ZELMA STENNIS AND
KEVIN STENNIS,

Adv. No. 11-04066 AH

Plaintiffs

v.

WILLIAM EDGAR DAVIS,

Defendant/

SUPPLEMENTAL MEMORANDUM DECISION

On October 12, 2012, the court issued its Memorandum Decision granting Plaintiffs' motion for partial summary judgment in part and denying it in part and denying Defendant's motion for summary judgment (docket no. 143). On January 23, 2013, the court amended its October 12, 2012 Memorandum Decision (docket no. 166) ("Amended Memorandum Decision") to include the portion of the state court attorney fee award attributable to the claims found to be non-

1 dischargeable. In the Amended Memorandum Decision the court
2 determined that Defendant's obligation to Plaintiff Zelma Stennis
3 in the amount of \$270,648.18 is nondischargeable.

4 Within the context of a renewed motion to dismiss (docket nos.
5 190 and 191), Defendant requested the court to reconsider two
6 issues previously addressed by the court: (1) calculation of the
7 damages award determined non-dischargeable and (2) the date upon
8 which interest begins to accrue.
9

10 Reconsideration of Damages Award

11 Defendant requested the court amend its decision to reduce the
12 amount of the non-dischargeable judgment to \$113,103.18. Defendant
13 based this request on the state court's July 1, 2010 minute order
14 ("Minute Order").
15

16 The judgment on the special verdict of the Los Angeles Superior
17 Court (the "Judgment") (docket no. 119-3) set out a specific amount
18 of damages for each individual cause of action. The total Judgment
19 award, however, was not the sum of all individual amounts of
20 damages, but a reduced sum of \$363,103.18, not including attorney's
21 fees and costs. The Judgment does not specify why the total award
22 was different than the sum of all individual damage awards.
23

24 The Minute Order shows that Superior Court Judge Rose Hom
25 questioned the total amount of damages awarded by the jury. Based
26 on the jury instructions Judge Hom computed \$363,103.18 as the

1 total amount of damages to be awarded, explaining that "[t]he
2 \$20,000 awards are counted once".

3 Based on the Minute Order, this court will amend its decision to
4 reflect that the amount of \$113,103.18 is determined non-
5 dischargeable.

6 Post-Judgment Interest

7 The court finds interest on the damages award of \$113,103.18 is
8 to accrue from the date of the entry of the state court judgment on
9 July 22, 2010. Interest on the attorney's fees and costs award of
10 \$137,545 is to accrue from the date of entry of the state court
11 minute order on September 6, 2011.

12 Correction of Error in Subtotal

13 In reviewing the issues raised, the court noted that the subtotal
14 of attorney's fees and costs stated in the January 23, 2013 Amended
15 Memorandum Decision on page 17, line 18 is incorrect. For purposes
16 of clarification, \$131,945 in attorney's fees and \$5,600 in costs
17 relate to nondischargeable claims. Thus, the total fee award of
18 \$137,545 is determined to be nondischargeable in addition to the
19 \$113,103.18 determined to be nondischargeable.
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1 Conclusion

2 Plaintiff Zelma Stennis is entitled to judgment of a non-
3 dischargeable claim against Defendant in the total amount of
4 \$250,648.18, with interest thereon as follows:

- 5 - interest on the damages award of \$113,103.18 at the applicable
6 legal rate from the date of entry of the state court judgment on
7 July 22, 2010 and
8
9 - interest on the attorney's fees and costs award of \$137,545 at
10 the applicable legal rate from the date of entry of the minute
11 order on September 6, 2011.

12 The remainder of the state court judgment obtained by Plaintiff
13 Zelma Stennis or Plaintiff Kevin Stennis, and associated attorney's
14 fees and costs awarded by the state court, are therefore
15 discharged. The court will issue a separate judgment.
16

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18 **END OF MEMORANDUM DECISION**
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